

After Hierarchy? Domestic Executive Governance and the Differentiated Impact of the European Commission and the Council of Ministers

Torbjorn Larsson and Jarle Trondal

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Keywords

European Commission, Council of Ministers, Norway, Sweden, organisation theory, differentiation, governance, political science

Abstract

This study offers an organisation theory approach that claims that the differentiated organisational constellation of the European Union contributes to a differentiated Europeanisation of domestic core-executives. It is argued that the European Commission mainly activates the lower echelons of the domestic government hierarchies, notably professional experts within sector ministries and agencies. Furthermore, the European Commission arguably weakens domestic politico-administrative leadership, the Foreign Office and the Prime Ministers Office. By contrast, the Council of Ministers arguably strengthens domestic politico-administrative leadership, the Foreign Office and the Prime Ministers Office. A comparative analysis of the decision-making processes within the central administrations of Norway and Sweden is offered. Based on a rich body of survey and interview data this analysis reveals that multi-level interaction of administrative systems between the European Commission and the Norwegian and Swedish central administrations occur largely outside the control of the domestic politico-administrative leadership, Prime Ministers Office and Foreign Office. In Sweden this tendency is to some extent counterbalanced by the inter-sectorally interlocking effect of the Council of Ministers.

Kurzfassung

Diese Studie bietet einen organisationstheoretischen Zugang, der behauptet, dass die differenzierte organisatorische Konstellation der Europäischen Union zu einer differenzierten Europäisierung der innerstaatlichen Kern-Bürokratien beiträgt. Es wird dargelegt, dass die Europäische Kommission hauptsächlich die niedrigeren Ränge innerstaatlicher Regierungshierarchien aktiviert, insbesondere qualifizierte Experten innerhalb von Fachministerien und Agenturen. Darüber hinaus schwächt die Europäische Kommission wohl die innerstaatliche politisch-administrative Führung, das Außenministerium und das Premierministeramt. Im Gegensatz dazu stärkt der EU-Ministerrat aber wohl die innerstaatliche politisch-administrative Führung, das Außenministerium und das Premierministeramt. Es wird eine vergleichende Analyse der Entscheidungsfindungsprozesse innerhalb der zentralen Administrationen von Norwegen und Schweden angeführt. Basierend auf umfangreichen Umfrage- und Interviewdaten macht diese Analyse deutlich, dass die Mehrebenen-Interaktion administrativer Systeme zwischen der Europäischen Kommission und den norwegischen und schwedischen zentralen Verwaltungen weitgehend außerhalb der Kontrolle durch die innerstaatliche politisch-administrative Führung, Premierministeramt und Außenministerium, erfolgen. In Schweden wird diese Tendenz zu einem gewissen Grad durch den inter-sektoriellen Verzahnungseffekt des Ministerrates ausgeglichen.

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1

1. Introduction

The study of European integration has become a boom field and is at present a maturing research area. The 1990s has witnessed a scholarly turn from a study of EU institutions and politics to a study of how the EU hits the member-states (Keeler 2005: 570). Recent literature demonstrates forcefully multiple roads to differentiated processes of Europeanisation of domestic executive institutions. Notably, the institutionalist and social constructivist schools have revealed how the “EU effect” is filtered and mediated through pre-existing domestic institutions, rules, norms and cultures (e.g. Bulmer and Burch 2005; Checkel 2005; Hèretier et al. 2001). This article theorises and explores how differentiated Europeanisation of domestic core-executive institutions may be caused by the differentiated formal organisation of the European Union (EU) itself.

To theoretically elucidate differentiated Europeanisation of domestic core-executive institutions this study offers an organisation theory perspective. According to this approach, the different formal organisation of EU institutions, notably the European Commission (Commission) and the Council of Ministers (Council), accompany differentiated decision-making processes within domestic executive institutions. For mere illustrative purposes a comparative empirical analysis is provided between the Europeanisation of the central administrations of Sweden and Norway. These countries are *crucial comparative cases* because Sweden and Norway are integrated differently into the Commission and the Council.

Whereas Swedish EU membership has integrated the Swedish administrative apparatus into both the Commission *and* the Council, the Norwegian associated membership (through the EEA agreement) has (partly) integrated the Norwegian government fabric to the Commission system. Effectively, the cases of Norway and Sweden serve to demonstrate the differentiated impact of the differentiated organisational composition of the Commission and the Council. The empirical analysis demonstrates that the Commission contributes to partly circumvent the domestic executive decision-making hierarchy whereas the Council mainly contributes to support domestic executive control.

Recent literature has demonstrated that multi-level interaction between EU institutions and domestic sector ministries and subordinated agencies has become institutionalised (Beyers and Trondal 2004; Olsen 2003a). The Commission and the Council have institutionlised arenas for direct and intimate interaction between the public administrations of the member-states and the community institutions (Egeberg, Schaefer and Trondal 2003). The contribution of this study is to theorise how the differentiated organisational composition of the Commission and the Council contributes to a differentiated penetration of domestic core-executive bodies. Arguably, because the Westphalian territorial logic of state-by-state politics is transcended by politics by sector within the Commission, it tends to weaken the domestic Prime Ministers Office (PMO), the Foreign Office (FO) and the domestic politico-administrative leadership. By contrast, owing to the classical territorial organisation of the Council, it arguably strengthens the domestic PMO, FO and the politico-administrative leadership. Yet, the differentiated impact of the Commission and the Council may also be mediated by compatible organisational specialisation underneath the Commission and the Council as well as by domestic institutions, rules, practices and traditions. The study demonstrates that ten years of differentiated integration in the EU have contributed to a differentiated Europeanisation of the Swedish and the Norwegian central administrations, however, filtered and mediated through pre-existing rules and roles within the Swedish and Norwegian central administrations.

One yardstick of Europeanisation of core-executive institutions is how *actual decision-making processes* are transformed by *different* EU institutions. The dependent variable of this study is the actual decision-making processes unfolding within domestic central administrations generally, chiefly the degrees of hierarchical decision-making processes therein. Our yardstick of hierarchical decision-making is the extent to which the politico-administrative leadership ultimately controls the decision-making processes that unfurl within domestic government institutions. Hierarchical decision-making denotes that “the most important policy decisions [are] taken at the apex of a government organisation ... and those lower down in the hierarchy merely ... carry them out” (Page 1992:61). Processes of de-hierarchisation refer to the fact that important decisions are crafted autonomously by civil servants in the lower echelons of the government hierarchy. Decision-making behaviour refers to the web of contacts, co-ordination processes and priorities made by civil servants. A de-hierarchisation of decision-making behaviour thus denotes civil servants having few contacts with the politico-administrative leadership, receiving few priorities from this leadership, and/or co-ordinate more among fellow peers horizontally than with the leadership vertically.

The article proceeds as follows. The next section outlines an organisation theory approach that unpacks how different EU institutions may have a profound and differentiated impact on hierarchical governance within domestic central administrations. The second section provides a comparative analysis on how the Commission and the Council impact differently on degrees of hierarchical decision-making processes within the Norwegian and the Swedish central administrative institutions.

2. An organisation theory approach [↑]

One advantage of applying a general or ‘cosmopolitan’ approach like organisation theory is the possibilities of drawing general inferences from single-case studies (Kohler-Koch 2003:7). An organisation theory perspective assumes that government officials are bounded rational faced with information overload, computational limitations and a complex web of roles to play. The role as a civil servant is ambiguous with a multifaceted and complex set of role-expectations embedded. The vertical and horizontal specialisation of public administration serves to systematically buffer the information and role expectations relevant for each civil servant, thereby simplifying their preference formation and ultimately choice of decision-making behaviour (Egeberg 1999; Thelen and Steimno 1992). The local rationality of civil servants is systematically aggregated by this buffer function into organisational rationality (Gulick 1937; Simon 1957). Consequently, the organisational selection of relevant information, premises for decision making and role enactment affects how civil servants think, feel and act.

Organisational dynamics are triggered when organisational borders are criss-crossed in day-to-day decision-making processes (Egeberg 1999). Several studies have revealed how the organisational borders between domestic administrative systems and the EU institutions are increasingly by-passed and weakened (e.g. Kohler-Koch 2003). The EU institutions and domestic government apparatuses interact in day-to-day policy-making through a complex web of EU committees, the system of seconded civil servants, through embassies, as well as multilevel networks of civil servants (Egeberg, Schaefer and Trondal 2003; Lewis 2000; Trondal 2004a; Van Schendelen and Scully 2003). Suggestively, civil service systems that recurrently interact tend to become increasingly similar in organisational terms, with respect to the decision-making processes unfolding, as well as the public policy crafted (Powell and DiMaggio 1991; Wessels 1998). Assuming that formal organisations focus the attention of bounded rational actors, domestic executive institutions with intimate contact towards EU institutions are likely to become *systematically* penetrated with respect to their day-to-day decision-making processes.

According to an organisation theory approach the decision-making behaviour evoked by individual civil servants is contingent on the organisational properties of the administrative systems in which they are embedded. Henceforth, different EU institutions – notably the Commission and the Council – are likely to condition domestic decision-making processes differently. Whereas the Commission is likely to foster a horizontal fragmentation of domestic decision-making processes and a weakening of domestic politico-administrative leadership, the Council is likely to accompany domestic horizontal integration across policy sectors and a demand for coherent national positions provided by the domestic politico-administrative leadership (Egeberg and Trondal 1999). Whereas Swedish EU membership has integrated the Swedish administrative apparatus into both the Commission *and* the Council, the Norwegian associated membership (through the EEA agreement) has (partly) integrated the Norwegian government fabric *solely* to the Commission system.

The Commission has been pictured as constantly ripped between national interests, concerns, roles and loyalties and overarching community interests, concerns, roles and loyalties (Christiansen 1997). This tension is not only challenged during large-scale intergovernmental conferences where the constitutional fabric is negotiated (Moravcsik 1998), but also during day-to-day decision-making processes within the Commission (Haas 1958). The Commission has the Treaty obligations of initiating and implementing Community policy. According to the classical administration school of Luther Gulick (1937), organisations may be horizontally specialised according to four generic principles: purpose, process, territory and clientele. The horizontal principles of purpose and process are observed in most domestic sector ministries and agencies, in the Commission DGs, in the subordinated agencies of the EU as well as in the web of Commission expert committees (Egeberg and Trondal 1999; Peters 1995:147). Organisationally, the Commission is a vertically pillarised system of government specialised by *purpose* and with fairly weak organisational capabilities for horizontal co-ordination at the top through Presidential command (Dimitrakopoulos and Kassim 2005). A second principle of horizontal specialisation in the Commission is the principle of the major *process* utilised – like administration, legal service, personnel services, etc. (Gulick 1937). Within the Commission the Internal Services like Legal Service and DG for Translation illustrates the process principle. Arguably, civil servants who frequently interact within administrative systems organised by purpose and process are assumed to evoke decision-making behaviour that reflects their sectoral portfolios and professional skills, respectively. These civil servants are likely to perceive themselves as Weberian civil servants abiding rules and established practices within their portfolios as well as independent and neutral expertise, respectively. These officials are less likely to act on fixed mandates issued by the politico-administrative leadership or to negotiate on the basis of fixed national mandates written by the domestic FO and PMO.

Hence, the horizontal principles of purpose and process within the Commission apparatus encourage the horizontal *disintegration* of domestic sectoral ministries and a weakening role for domestic co-ordinating ministries like the FO and the PMO. Figure 1 illustrates, simplified, that intimate interaction between domestic sector ministries and the Commission contributes to turn the domestic pyramidal hierarchy of governance upside-down. Arguably, intensive multilevel interaction between the Commission and domestic executive institutions will activate the lower echelons of the domestic government hierarchies, notably sector experts within sector ministries and agencies. Moreover, multilevel sector integration between the Commission and domestic executive institutions will tend to weaken the domestic politico-administrative leadership, the FO and the PMO.

Figure 1

Organisational properties conducive to sectoral integration of domestic executive institutions also exist in the Commission. First, the Commission is headed by a political College which is increasingly marked by party politisation (MacMullen 1997). Secondly, the Commission is staffed by civil servants from the member-states that partly serve as an enduring territorial component within the Commission (Egeberg 2006). Finally, the Commission has delegated power from the Council in areas of Pillar I, often governed by comitology committees. Past research clearly demonstrates that comitology committees are indeed intergovernmental committees dominated by member-state preferences rather than community preferences (Egeberg, Schaefer and Trondal 2003).

The chief territorial organisation of the EU is represented by the Council. According to Luther Gulick (1937) organisations may be organised to accommodate territorial interests and concerns. Domestically, local prefectural offices as well as FOs are examples of territorially organised government bodies. The FO has the task of diplomatic representation, extra-territorial communication and aggregating national preferences that cross-cut the portfolio of sector ministries (Jönsson and Hall 2005). Traditionally the FO has been organised outside the domain of 'domestic' politics and outside the institutional turf-wars between sector ministries and the Finance Ministry (Christensen 1996). At EU level the best example of territorial organisation is the Council, particularly at the Minister level and the COREPER – including the Antici and Mertens groups (Egeberg and Trondal 1999; Sherrington 2000). Examples of organisation by purpose and process, however, are also present within the Council, notably at the level of working groups and within the Council Secretariat (Christiansen 2001). Moreover, the Council Secretariat has also become a co-executive to the Commission in Pillar II and III issues (Christiansen 2001). However, studies demonstrate that the sectorally organised Council working groups are dominated by intergovernmental (territorial) behavioural logics (Beyers and Trondal 2004; Larsson 2003:164). Hence, the intergovernmental dynamic of the Council is empirically supported.

However, studies also show that supranational dynamics are present within the Council working groups and the COREPER contributing to a “consensus reflex” among the committee participants (Byers and Trondal 2004; Lewis 2000). Taken together, the Council is organised mainly according to a territorial principle and its *modus operandi* is mainly territorial. However, segments of sectoral organisation and supranational dynamics co-exist within this intergovernmental body (Fouilleux, Maillard and Smith 2005).

Arguably, the territorial component of the Council strengthens compatible territorially organised domestic ministries like FOs and PMOs. Moreover, FOs and PMOs contribute to filter and modify the sectoral dynamics that penetrate from the Commission (Egeberg and Trondal 1999). Swedish EU membership allows Swedish civil servants to participate in the Council whereas the EEA agreement excludes Norwegian civil servants from attending Council meetings. Accordingly, the Council system is likely to strengthen *hierarchical* decision-making processes within the Swedish central administration and not within the Norwegian central administration. Hence, the Swedish FO is likely to be activated when ‘national interests’ are at stake in the Council. Consequently, the Norwegian civil service is likely to be *solely* penetrated by the sector-dynamics of the Commission and subsequently experience a decline of the powers of the FO, PMO and the politico-administrative leadership (Figure 1). By contrast, the Swedish FO and PMO are likely to be partly empowered by the Council (Figure 2) and partly weakened by the Commission (Figure 1).

Figure 2 illustrates, simplified, how intimate interaction between domestic ministries (and agencies) and the Council may contribute to uphold the domestic pyramidal hierarchy of governance.

Figure 2

Finally, bureaucratic organisations tend to become institutionalised by developing added value “beyond the technical requirements of the task at hand” (Selznick 1957:17). Processes of institutionalisation ultimately contribute to give the organisation an embodiment of purpose that provides a conservative institutional logic preserving existing decision-making processes (Sryker and Strathan 1985). Processes of institutionalisation create a unique culture, identity, or soul to organisations, promoting resistance against abrupt change patterns (Christensen and Læg Reid 2002). Institutionalised organisations are fairly robust against abrupt changes in administrative structures, routines and decision-making processes (March and Olsen 1989). Accordingly, the differentiated impact stemming from the Commission and the Council may be filtered, edited and translated through pre-existing domestic decision-making routines and practices (Knill 2001; Olsen 2003b).

Organisational boundaries are more than buffers to the attention of decision-makers. Organisational boundaries are normative, ethical, symbolic and temporal orders (Egeberg 1994:85). They grow, blossom and die through long “historical processes of interpretation, learning and habituation” (Olsen 1995:28).

Organizational borders do not affect decision-making processes solely on the basis of cognitive search-processes but also according a logic of appropriateness whereby individuals match perceptions of self to particular decision situations (Brunsson and Olsen 1998). Parallel to the 'hermeneutic circle', path-dependencies denotes that future changes of decision-making processes are conditioned by past and present decision-making practices (Adler 1997:321; Kay 2005). With March' words: "An individual who has been negotiating a tough contract as an antagonistic lawyer carries that identity over to the role of diner in a restaurant or driver on a highway" (March 1994:70). One impact thereof is that archaeological layers of decision-making routines and practices are stored within government institutions. Accordingly, it becomes easier to adopt new decision-making practices than to remove old ones due to the added value attached to existing practices (March and Olsen 1989). It also becomes easier to reorganise the balance between pre-existing behavioural practices than to add new practices or to subtract old ones. In the EU-context, national officials who have just arrived at the EU meeting are likely to re-activate pre-established decision-making behaviour, preferences and roles of a domestic origin.

3. Data and method

The cases of Norway and Sweden are selected for three rationales:

- Norway and Sweden have different forms of affiliation towards the EU and are thereby integrated differently towards the Commission and the Council;
- this condition of differentiated integration towards the Commission and the Council has lasted for similar length in Norway and Sweden (1994 - present); and finally
- the domestic administrative systems of Norway and Sweden are sufficiently similar to warrant comparison (Anckar 1993:118).

National variations on the dependent variable are thus less likely to stem from different national administrative systems than from their differentiated integration towards the Commission and the Council.

This study benefits from a multitude of data streams. The first data set is a comprehensive study by the Audit General of Norway (2005) on the EU/EEA decision-making processes within the Norwegian central administration. This data set includes interview data with key informants in selected Norwegian ministries as well as at the Norwegian Delegation to the European Union. Secondly, this data set covers a survey study among all Norwegian ministries⁽¹⁾ and relevant subordinated agencies (N = 510). The response rate in this survey is 80 percent. This data set also covers official and unofficial documents from the Norwegian FO, the Ministry of Environment (ME), the Ministry of Trade and Industry (MTI) and the Ministry of Petroleum and Energy (MPE) (Audit General of Norway 2005, 10). Among the documents covered are 535 dossiers and 356 so-called 'problemnotes' from the issue specific co-ordination committees of ME, MTI and MPE. This collection of data was collected from October 2003 to January 2005.

Additional data are provided by a large-scale survey study among Norwegian civil servants in 1996 (N = 1479 at the ministerial level and N = 1024 at the agency level) (Christensen and Egeberg 1997). Finally, a comparative study of Norwegian *and* Swedish civil servants attending Commission expert committees and Council working groups (N = 116) is utilised together with a large scale comparative survey of the Nordic central administrations (N = 260 on the Norwegian central administration, N = 345 on the Swedish central administration) (Jacobsson, Lægreid and Pedersen 2004; Trondal 2001) and a study on the experiences of the Swedish Government after five years of EU membership (Statskontoret 2000:20).

4. The Differentiated impact of the Commission and the Council [↑]

Constitutionally there are significant differences between the Swedish and Norwegian government systems (Petersson 1994:127). The government of Norway applies ministerial rule and administrative monism accompanying a closer formal relationship between the minister, his Cabinet, and subordinated agencies (Lægreid and Pedersen 1999). In this system, “the ministers are always accountable for the actions of a directorate” (Jacobsson, Lægreid and Pedersen 2004:16). There are currently seventeen Norwegian ministries employing approximately 4000 civil servants. The average Norwegian ministry contains 235 civil servants. The Norwegian FO is by far the largest with 659 officials (St.prp. nr. 1 (2004-2005)). In Sweden ministerial rule is not permitted and the central administration is divided into ministries and semi-autonomous agencies (administrative dualism). The twelve Swedish ministries are larger than the Norwegian ministries, employing approximately 4300 officials. The Swedish FO is by far the largest with 1500 civil servants (Premfors et al. 2003: 148). The average Swedish ministry contains 361 civil servants. Moreover, several tens of thousand Swedish officials are employed in the subordinated Swedish agencies (Petersson 1994:130). Both Norway and Sweden are unitary states with well developed parliamentary democracies and stable administrative systems. In both countries directorates beneath the ministry level enjoy substantial *de facto* autonomy and are central in uploading and downloading EU policy. Therefore, the differences between the Norwegian and the Swedish central administrative apparatuses are less significant in practice than judged by the Constitutional texts.

Ten years ago referendums were held almost simultaneously in Norway and Sweden on the question of EU membership. In Norway 52 percent voted in favour of rejecting a EU membership, while in Sweden 52 percent voted in favour of a EU membership. Consequently, Sweden and Norway has experienced more than ten years of differentiated integration into the EU. Analytically, this offers an opportunity to compare how two fairly similar government systems have been affected differently by the EU.

4.1. Impact of the Commission

4.1.1. The Norwegian case

After ten years of close relationship between the Norwegian central administration and the Commission we see evidence of a de-hierarchisation of day-to-day decision-making processes within the latter. A comprehensive study of the decision-making processes within the Norwegian central administration in 1996 showed that approximately 50 per cent of the civil servants were affected by the EU and/or the EEA agreement. 22 per cent of the officials in Norwegian sector ministries and 13 per cent of the officials in the subordinated agencies reported having attended Commission expert committees (Egeberg and Trondal 1999). Moreover, the Norwegian central administration, with the exception of the FO, had witnessed a remarkable stable level of participation in the Commission expert committees over time.⁽²⁾ At present a minority of Norwegian top civil servants belong to the core segment of very active EU committee participants (Jacobsson, Læg Reid and Pedersen 2004:51). Rather few officials from the Norwegian FO attend Commission committee meetings (Egeberg and Trondal 1999:138). Norwegian government officials attending EU committees are mostly from the *agency level* and the majority is employed in *lower rank positions*. They are typically professional experts with fairly loose ties towards the domestic politico-administrative leadership (cf. [Figure 1](#) above) (Statskonsult 1999:6:27). Yet, when attending Commission expert committees, these officials tend to perceive their role as that of a national representative in addition to the role as independent expert and a supranational agent (Trondal 2004b). Notably, Norwegian government officials participating in the Commission expert committees attend with ambiguous mandates. They generally receive few clear instructions and signals from the politico-administrative leadership (Statskonsult 1999:6:44). According to one Norwegian civil servant, “the EEA work does not get the necessary daily attention from the top management” (Statskonsult 2002:5:19 – authors’ translation).

Few Norwegian government officials are accustomed to a written procedure for co-ordinating EU dossiers, and inter-ministerial co-ordination processes are often done *post hoc* to the EU committee meetings, marginally involving the politico-administrative leadership (Jacobsson, Læg Reid and Pedersen 2004: 39; Sætereng 2001). The Norwegian central administration is marked by stronger *intra*-ministerial co-ordination than *inter*-ministerial co-ordination of EU affairs. Moreover, these co-ordination processes are less formalised and routinised than intended by the Norwegian PMO and FO. More generally, the formal co-ordination apparatus for EU/EEA dossiers is activated less frequently than officially intended by the Norwegian PMO (Audit General of Norway 2005). This domestic co-ordination apparatus is more active *post hoc* when implementing EU regulations than *ex ante* in the agenda setting phase of the Commission expert committee meetings (Statskonsult 1999:6 and 2002:5:37). However, ministries heavily affected by EU dossiers and strongly involved in EU committee meetings seem to have better co-ordination capacities than those ministries less involved in EU affairs (Statskonsult 2001:15: 15).

Finally, the ministry-level seems better co-ordinated than the agency-level, and officials in top rank positions (typically Heads of Unit) are more adequately mandated than officials in lower rank positions (Statskonsult 2001:15:16; Trondal 2004b).

Table 1 shows in which phase of the EU decision-making cycle the Norwegian issue specific co-ordination committees are activated – in the pre-pipeline preparation phase, in the decision-shaping phase, or in the decision-making phase. Table 1 refers to the experiences within the Norwegian Ministry of Environment (ME), the Ministry of Trade and Industry (MTI) and the Ministry of Petroleum and Energy (MPE). Table 1 builds on in-depth analyses of 535 dossiers handled by the issue specific co-ordination committees of ME, MTI and MPE.

Table 1

Table 1 clearly testifies that the Norwegian inter-ministerial co-ordination apparatus is mainly operating *after* the preparation phase within the European Commission. 89 per cent of the EU regulations dealt with by these co-ordination committees are situated in the decision-shaping and decision-making phase within the EU apparatus. Hence, Table 1 shows clearly that EU/EEA co-ordination processes within the Norwegian central administration are rarely directed towards the agenda setting processes within the European Commission. Moreover, minutes from these issue specific co-ordination committees reveals that these committees seldom discuss how Norwegian interests should be “uploaded” to the Commission decision-making process (Audit General of Norway 2005, 29). As predicted by the organisation theory approach outlined, the Commission tends to weaken inter-ministerial co-ordination within domestic core-executive institutions.

The co-ordination of EU dossiers within the Norwegian central administration is intended to be based on written documentation (so called ‘problemnotes’), written by the issue specific co-ordination committees. Table 2 demonstrates in which phase of the EU decision-making cycle these problemnotes are actually written – in the pre-pipeline preparation phase, in the decision-shaping phase, or in the decision-making phase. Table 2 refers to the experiences of the ME, MTI and MPE. Table 2 is empirically based on in-depth analyses of 356 problemnotes handled by the issue specific co-ordination committees of ME, MTI and MPE.

Table 2

Table 2 demonstrates that inter-ministerial co-ordination through a written procedure, like the problemnote system, is rarely used in the Norwegian central administration in order to influence the preparation phase within the Commission. Whereas 5 percent of the problemnotes are written at the preparation phase in the Commission, 90 percent of the problemnotes are written after the Commission has finished this phase, and where the Norwegian central administration have formal rights of access (EEA agreement Art. 99 to 101). As predicted by [Figure 1](#), the Commission contributes to weaken inter-ministerial co-ordination within the Norwegian central administration.

The declining role of the FO vis-à-vis the sector ministries is a long-term trend in all EU member-states (Wessels, Maurer and Mittag 2003). In Norway East (1984:127) reported in the 1980s that officials in the Norwegian FO tended to be more concerned with *intra*-ministerial co-ordination than with *inter*-ministerial co-ordination, and that the Norwegian FO is better prepared to co-ordinate inter-ministerially on bilateral issues that went beyond Europe. By contrast, the international activities of Norwegian agencies' are typically oriented towards the European hemisphere (Underdal 1987:182). Hence, the Commission seems to merely *accelerate* an ongoing weakening of the Norwegian FO (Neumann and Leira 2005). EU dossiers handled by the Commission are highly technical, requiring specialised knowledge to disentangle and influence successfully. As typical generalists in foreign affairs and diplomatic encounters, most Norwegian FO officials lack the professional capabilities available to sector-experts in the sector ministries and agencies to substantially and instrumentally handle EU dossiers (Claes 2003:92). These observations support the organisation theory approach: The Commission seems to reduce the role of the Norwegian FO to that of a "post-box" between the Norwegian sector ministries and agencies, and the Commission (Trondal 1999).

Officials at the Norwegian Delegation to the EU have more direct contact with domestic sector ministries than preferred by the Norwegian FO (Statskonsult 2002:5:18). Also, Norwegian ministers are loosely coupled to negotiations within Council meetings (Statskonsult 2002:5). Moreover, Norwegian MPs are less actively involved in EU/EEA affairs than the MPs of most EU member-states. The Norwegian Parliamentary EEA committee have few meetings, handle few EU dossiers instrumentally, and have weak administrative resources to control the Norwegian central administration on EU dossiers (Melsæther and Sverdrup 2004; Sørensen 2004). The Norwegian Parliamentary EEA committee may not issue mandates to the Government on EU/EEA dossiers. Notably, some Norwegian political parties have better access to the European Parliament through their European party federations than the Norwegian Parliament as an institution (Nordby and Veggeland 1999:89; Statskonsult 2002:5).

Hence, the Commission indeed weakens the politico-administrative hierarchy within the Norwegian core-executive (and Parliament). The Commission seems to contribute to a sectoral de-coupling, de-politicisation and fragmentation of the Norwegian central administration "whereby 'micro-decisions' tend to be de-coupled from the overall policy purpose and strategy" (Jacobsson, Læg Reid and Pedersen 2004; Underdal 1987:170).

EU dossiers are largely integrated into the day-to-day decision-making routines of Norwegian sector ministries, agencies, divisions and units (Egeberg and Trondal 1997: 342). Hence, the Norwegian central administration displays more horizontal *fragmentation* than co-ordination between ministries, and more horizontal fragmentation *between* ministries than within them. The Norwegian case indicates that ten years of intimate relationship between sector ministries and the Commission has strengthened trends towards horizontal inter-ministerial fragmentation. Secondly, ten years of interaction between Norwegian sector ministries and the Commission has accompanied a weakening of hierarchical decision-making processes within the Norwegian central government apparatus (cf. [Figure 1](#)).

4.1.2. The Swedish case [↑](#)

The Constitutional principle of collegial rule is applied in the Swedish Government. The Swedish central administration consists of the Government and its office (the Chancery) and the central administrative authorities underneath (agencies). These agencies are accountable to the Government as a collective. The Chancery is divided into twelve ministries, but is nevertheless supposed to function as a collective unit. The largest number of civil servants works at the agencies, not at the Chancery and they have a substantial *de facto* autonomy (Larsson 2002). Prior to Swedish EU membership in 1995 the autonomy of the Swedish agencies was never seriously questioned by the Swedish Government.

The relationship between Swedish ministries and the agencies may be pictured as interdependent. Swedish ministries are small compared to the agencies beneath, implying that expert knowledge is often lacking in the ministries (Pettersson 1994). Expert competences are often located among the civil servants at the agencies. Due to the size and complexity of the Government's agenda, the Government depends on the active participation of agencies in the preparation and formulation of policies. In addition, many of the civil servants in Swedish ministries have been recruited from the agencies underneath. Finally, it is not uncommon for senior civil servants of agencies to have previous careers in the Chancery, contributing to the development of shared epistemic and normative communities that span the ministry/agency divide (Larsson 1993).

The Swedish Constitution describes a Government with far-reaching collective responsibilities and a Chancery with a well integrated organisation for hierarchical co-ordination and planning. Since the Swedish Constitution stipulates an extensive collective responsibility by the Government the Swedish Government has adopted a tradition of frequent Cabinet meeting (Larsson 1986). However, partly due to the EU membership Swedish ministers have become administrators of their own ministerial portfolios. Swedish ministers frequently act within, rather than across, their sector portfolios (Page 1992). The organisational boundaries between Swedish ministries are intact, and the civil servants often have well developed instincts for ministerial territories (Premfors et al. 2003: 151). What constitutionally appears to be a horizontally tightly integrated government system often displays weak hierarchical co-ordination.

The typical mode of co-ordinating Swedish EU dossiers towards the Commission is through informal personal contacts without written agendas and instructions. A problem that became obvious after EU membership in 1995 was the problem holding on to the principle of collective decision-making. EU membership has weakened the principle of collective decision-making in the Swedish Government. Even the old Cabinet method of mutual exchange, i.e. of important documents, is severely challenged by the external deadlines of the Commission (Ekengren 2002). The difficulties that the Chancery had with inter-ministerial co-ordination prior to EU accession have multiplied. Hence, despite increased need for co-ordination by the Cabinet towards the Council, the capacity for co-ordination is reduced by the sheer pace-making role of Commission deadlines (Ekengren 2002). During the agenda-setting phase in the Commission Swedish ministries and agencies have got fairly free hand to formulate idiosyncratic agendas (cf. [Figure 1](#)).

Across the Commission-Council spectrum, however, Ekengren (2002:152-153) shows that “EU time” have propelled a weakening of domestic hierarchical governance. Swedish EU membership has accompanied new administrative perception of time (Ekengren 2002). The decision-making processes within the Swedish central administration have typically followed fixed circular rhythms routinised by institutionalised events and rituals (Larsson 1986). However, the Commission has added external, faster and more ambiguous rhythms and time schedules to the pre-existing Swedish ones, challenging the potential for politico-administrative control over Swedish EU decision-making processes (Ekengren 2002). In short, the entry of Commission timing in Swedish government has led to an increased need for, but a lack of capacity for, inter-ministerial co-ordination.

A survey by Jacobsson, Lægreid and Pedersen (2004) shows a similar pattern. A large majority of the Heads of Unit in Swedish ministries, heavily involved in Commission decision-making processes, feel a lack of time to consult the political leadership, the EU secretariat of the FO, and the PMO. The co-ordinating role of the sectoral ministries and agencies have grown while the role of the Swedish FO is increasingly pictured as that of a “post box” (Sundström 1999). Different parts of the Swedish bureaucratic machinery have established independent relationships with Commission DGs, bypassing overall co-ordination by the Swedish FO. The informal work patterns within the Commission expert committees have accompanied weak incentives for domestic inter-ministerial co-ordination (cf. [Figure 1](#)) (Statskontoret 2004:6:24).

The Commission often consults external expertise when initiating new pieces of legislation (Van Schendelen 1998). In Sweden this usually means that civil servants from the agencies are consulted (Trondal 2001). In contrast to deliberations in the Council working groups and the comitology committees where civil servants work under domestic instructions (see below), the role played by Swedish officials attending Commission expert groups are more ambiguous (Beyers and Trondal 2004).

Sometimes this creates conflicting role perceptions for Swedish representatives in the Commission expert committees (Statskontoret 2000:20A:35). Trondal and Veggeland (2003) show that Norwegian and Swedish officials attending Commission expert committees evoke fairly *similar* roles – national, functional and supranational roles (ordered by importance). The Commission expert committees, however, have a stronger functional dynamic than both the Council working groups and the comitology committees, accompanying lower levels of inter-ministerial co-ordination among Swedish government officials attending Commission expert committees than among those attending Council working groups or comitology committees (Egeberg, Schaefer and Trondal 2003). In sum, the Swedish case shows how the Commission challenges an institutionalised routine of collegial governance by strengthening the autonomy of sector ministries and subordinated agencies (cf. [Figure 1](#)).

4.2. Impact of the Council

4.2.1. The Norwegian case

During the so-called ‘interim period’ for Norway in 1994, when Norway prepared for EU membership, Norwegian civil servants attended Council working groups for the first time. As predicted by the organisation theory approach outlined the ‘interim period’ was marked by increased inter-ministerial co-ordination and a substantial co-ordinating role for the Norwegian FO vis-à-vis meetings in the Council working groups and the COREPER (Trondal 1999). Subsequent to the referenda on November 28 1994 the Norwegian Government lost the right to attend Council working groups. One notable impact was that the degree of inter-ministerial co-ordination dropped significantly, and that the co-ordinating role of the Norwegian FO diminished relative to the co-ordinating role of sector ministries and agencies (Christensen 1996; Trondal 1999). However, the relative power that the Norwegian PMO has on EU affairs also seems to correlate with the political party in office. For example, whereas Prime Minister Brundtland from the Labour party “was personally strongly committed to EU membership and made it a central part of her political agenda for the 1990s” (Narud and Strøm 2000:141), the Prime Minister Bondevik from the Christian Democratic party was a reluctant European that seldom activated the PMO to co-ordinate EU dossiers. One implication of the referenda on November 28 1994 was that the Norwegian Government lost participatory rights in the Council and that the degree of hierarchical co-ordination of EU affairs within the Norwegian core-executive decreased. Table 3 clearly demonstrates the differentiated impact of the Commission and the Council on domestic executive governance.

[Table 3](#)

4.2.2. The Swedish case [↑](#)

Swedish EU membership has had observable implications on decision-making processes within the Swedish central administration. Whereas Swedish officials who attend Commission expert committees may arrive with ambiguous mandates (see above), Jacobsson (1999) observes that Swedish civil servants from sector ministries became increasingly aware of their national role after entering the Council in 1995. Swedish EU membership spurred a demand for co-ordinated Swedish positions among sector-experts who attended the Council working groups (cf. [Figure 2](#)). One notable effect thereof is a profound boost in the volume of horizontal and vertical co-ordination within the Swedish government. Notably, the Council has increased the sheer quantity of horizontal and vertical co-ordination within the Swedish government (Sundström 1999). The majority of Swedish government officials argue that it has become increasingly important to formulate co-ordinated Swedish positions towards the Council (Jacobsson and Sundström 1999:72). In particular, the co-ordinating role of the Swedish FO is increasingly supplemented by co-ordination responsibilities of the PMO and by co-ordinating activities of medium rank civil servants within sector ministries and agencies. As predicted by the organisation theory approach outlined the quantity of inter-ministerial co-ordination efforts increases in the Swedish government when dossiers leave the Commission and enter the Council negotiations (cf. [Figure 2](#)).

When dossiers enter the Council, the Swedish Government seems to achieve inter-ministerial co-ordination largely through informal personal contacts among officials without written agendas (cf. [Figure 2](#)) (Statskontoret 2000:20:5; Sundström 1999). The survey of Jacobsson, Lægred and Pedersen (2004) indicates a stronger effort for co-ordination between ministries and especially internally *within* each ministry (cf. Statskontoret 2004:6). In 2004 a special secretariat for the co-ordination of everyday EU affairs (especially those related to the Council) moved from the FO to the PMO. This reorganisation indicates that the Swedish Prime Minister has the ambition to tighten the co-ordination of EU affairs through the PMO. The Commission and the Council thus seem to have differentiated impact on *intra*-ministerial and *inter*-ministerial co-ordination processes within the Swedish central administration. This observation is illustrated by Table 4.

[Table 4](#)

As in Norway, the co-ordination of Swedish EU positions involves the Parliamentary committee for EU affairs in the Swedish Riksdag. EU dossiers to be discussed in upcoming meetings in the Council must be discussed *ex ante* by the advisory committee for EU Affairs in the Riksdag. This routine forces the central administration to inform the political leadership prior to their confrontations in the Riksdag (cf. [Figure 2](#)). However, the Riksdag may not, in contrast to the Danish system on which it is modelled, issue formally binding mandates on the Government (Bergman 1997, Hegeland 1999).

A recent study demonstrates that the EU advisory committee of the Riksdag convene more meetings, handle more dossiers and have stronger administrative resources than the corresponding Norwegian Parliamentary committee (Melsæther and Sverdrup 2004:15). Nevertheless, the Swedish Riksdag has had severe difficulties in entering the early stages of the decision-making process of the Commission (Riksdagskommittén 2004). The Swedish co-ordination system is based on the centralised British and Danish system with great emphasis on formal control of domestic representatives. The importance attached to the role of the Riksdag relates to the Swedish belief that the democratic legitimacy of the EU system is ultimately vested in democratic processes within the member-states and a belief in centralised institutions and hierarchical processes as means of gate keeping the pooling of authority from national to supranational governments (Beyers and Trondal 2004).

5. Conclusions [↑]

Ten years after Norway and Sweden integrated differently into the EU we see a profound and differentiated impact on the day-to-day decision-making processes unfolding within the Norwegian and Swedish central administrations. This study demonstrates that the decision-making processes within the Norwegian central administration are strongly sector-penetrated by the Commission. Similar observations are found within the Swedish administrative fabric accompanying a de-hierarchisation of the everyday executive decision-making processes (cf. [Figure 1](#)). The Commission fosters a rift between domestic Government responsibility and domestic Government control over the decision-making processes unfolding within the Norwegian and Swedish core-executive. Multilevel networks between the Commission and the Swedish subordinated agencies have supported tendencies towards a de-hierarchisation of executive politics within the Swedish government machinery. These observations support the organisation theory approach as outlined in this study as illustrated in [Figure 1](#). The Commission tends to trigger the lower echelons of the domestic government hierarchies, notably sector experts within sector agencies and sector ministries. The Commission fosters a weakening of the domestic politico-administrative leadership, the FO and the PMO. Henceforth, the empirical observations indicate that the actual decision-making processes that unfold within domestic government institutions are indeed conditioned by the Commission structure, as indicated in [Figure 1](#).

This study also reveals that the Council has caused increased co-ordination activity within the Swedish FO, PMO and generally among the politico-administrative leadership in the Swedish central administration (cf. [Figure 2](#)). Notably, the Council seem to strengthen the domestic pyramidal hierarchy of governance (cf. [Figure 2](#)). The Swedish case thus shows apparent tendencies of both a strengthening and weakening of executive hierarchies. This creates system imbalances by the sheer co-existence of conflicting governance dynamics. The co-existence of multiple conflicting governance dynamics may be interpreted as reflecting the sequential decision-making processes at the EU level.

Arguably, conflicting governance dynamics may be evoked sequentially in the Swedish Government due to the sequential role of the Commission and the Council in the EU decision-making cycle.

The differentiated impact of the Commission and the Council, however, is absorbed differently within different segments of the Norwegian and Swedish government apparatuses. This study reveals a stronger de-hierarchisation of decision-making processes at the agency-level than at the ministry-level in both countries. When agency and ministry officials attend *the same* Commission expert committees, ministry officials tend to be more strongly co-ordinated from the politico-administrative leadership than agency officials; and officials from the FO tend to be more strongly mandated than officials from the sector ministries. EU dossiers are largely organised into existing ministerial structures and procedures in both countries. These observations indicate that despite ten years of differentiated integration into the EU, domestic government structures and procedures leave strong imprints on decision-making processes within the Norwegian and Swedish central administrative fabric. Hence, this study also reveals how the differentiated impact of the Commission and the Council is mediated and filtered by existing rules and roles embedded in domestic government institutions.

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Endnotes

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(1) Except the Norwegian Ministry of Defence.

(2) Norwegian ministries and agencies attended 252 committees in 1994, 200 committees in 1995, 207 committees in 1996, 211 committees in 1997, and 200 committees in 1999 (Egeberg and Trondal 1999: 138; Statskonsult 2001:15).

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Table I

Percent of EU regulations dealt with by the issue specific co-ordination committees of ME, MTI and MPE, by EU decision-making phase (percent).

	<i>Preparation</i>	<i>Decision-shaping</i>	<i>Decision-making</i>	<i>Total</i>
Responsible ministry:	<i>phase</i>	<i>phase</i>	<i>phase</i>	
<i>ME (215 dossiers)</i>	13	40	46	100
<i>MTI (269 dossiers)</i>	1	26	73	100
<i>MPE (51 dossiers)</i>	6	59	35	100
<i>SUM (535 dossiers)</i>	5	32	63	100

Source: Audit General of Norway 2005:28.

Table II

Percent of 'problemnotes' written by ME, MTI and MPE, by EU decision-making phase (percent)

	<i>Preparation</i>	<i>Decision-shaping</i>	<i>Decision-making</i>	<i>Total</i>
Responsible ministry:	<i>phase</i>	<i>phase</i>	<i>phase</i>	
<i>ME (112 problemnotes)</i>	13	40	46	100
<i>MTI (227 problemnotes)</i>	1	26	73	100
<i>MPE (17 problemnotes)</i>	6	59	35	100
<i>SUM (356 problemnotes)</i>	5	32	63	100

Source: Audit General of Norway 2005:31.

Table III

Percent of inter-ministerial co-ordination activities among Norwegian ministries during the 'interim period' (1994) and after the 'interim period' (1995), by type of EU committee (percent).

	<i>Interim period 1994</i>	<i>After the interim period 1995</i>
Council working groups	73	0
Commission expert committees	27	100
Total	100 (334)	100 (25)

Source: Trondal 1999:58.

Table IV

Number of Swedish ministries giving written instructions to agency officials who attend EU committees, by type of EU committee (absolute numbers).

	<i>Council working groups</i>	<i>Commission expert committees</i>	<i>Comitology committees</i>
To a large extent	6	1	2
To a small extent	3	3	6
Not at all	0	5	0
Total	9	9	8

Figure 1

A Model of sector-integration across levels of governance

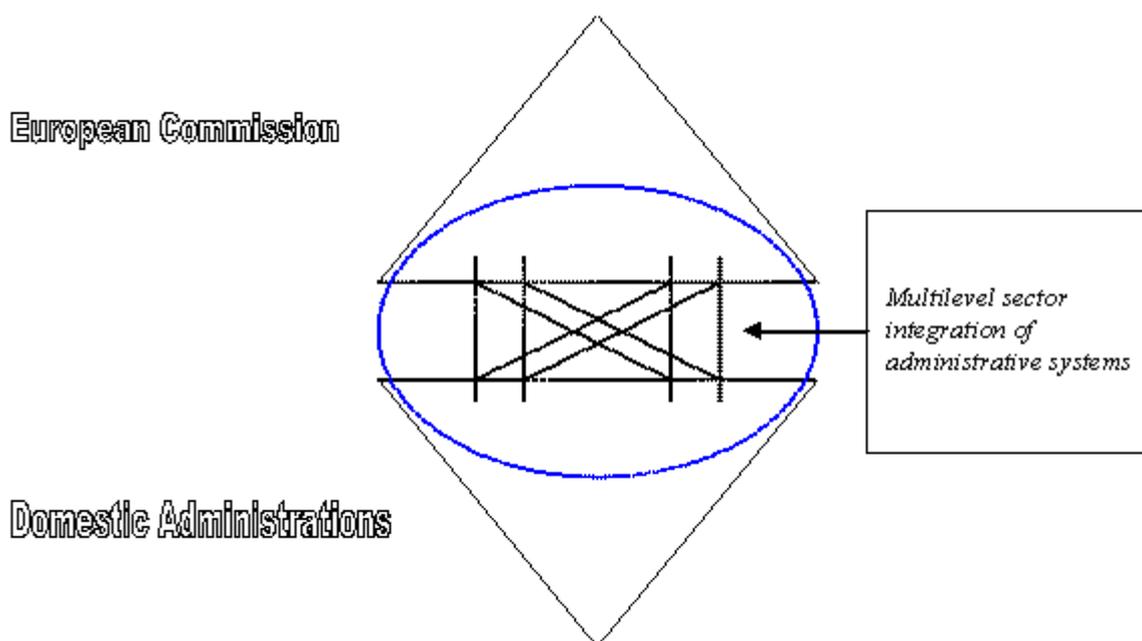
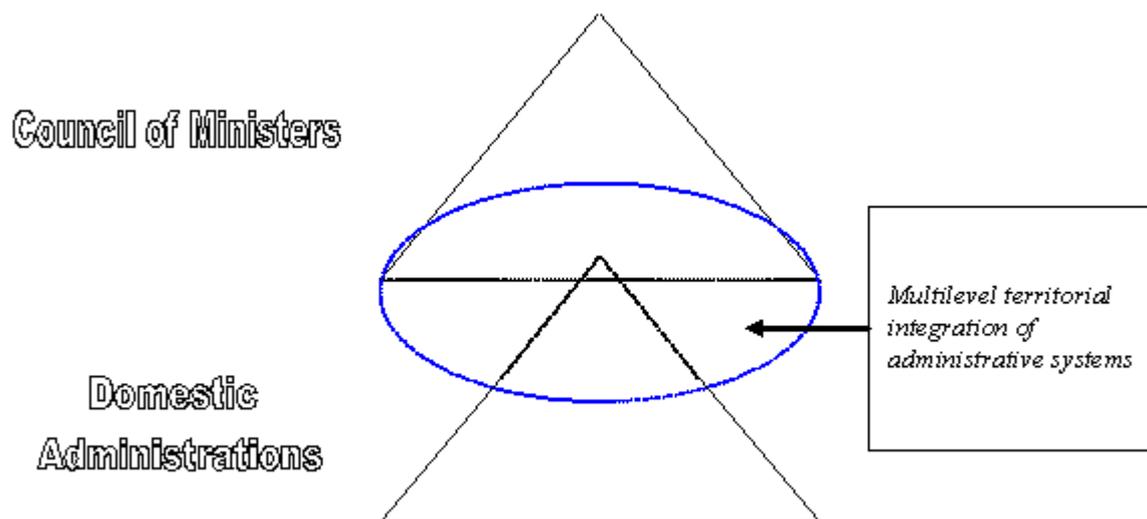


Figure 2

A Model of territorial integration across levels of governance



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